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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

JOHN H. STEWART,
Plaintiff and Appellant,

v.

DAVID PARRIS, as Public Administrator,
etc.,
Defendant and Respondent.

A126382

(Super. Ct. No. DR081020)
**ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on July 21, 2010, be modified in the following particulars:

1. On page 3, the last paragraph, second sentence beginning with the word “According” is modified by deleting the phrase “had been modified ‘to hold all their property in common, and that each would be the sole heir of the other, and’ ”. The sentence will now read:

According to plaintiff, a “[m]utual life care contract,” entered into in 1993, “was modified to provide that [the Ranch] would become the sole property of the survivor upon the death of the other party, and to provide that the survivor can never leave or sell that ranch until the last of the parties’ mutual pets dies.”

2. On page 4, in the second full paragraph, the third sentence beginning with the word “His” is modified by deleting the number “13” and inserting the number “14.” The sentence will now read:

His motion includes 14 declarations that essentially serve to corroborate his allegations regarding the existence of the mutual life care contract and the parties’ agreement regarding his right to possession of the Ranch.

3. On page 5, footnote 6, the second sentence beginning with the word “It” is deleted. The footnote will now read:

Subsequently, the trial court granted a motion to intervene filed by James Taylor.

There is no change in the judgment.

The petition for rehearing is denied.

Date: August 16, 2010

Marchiano, P. J.